

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROBERT C. ADAMS,  
  
Defendant.

CASE NO. CR14-0181-JCC  
  
ORDER

This matter comes before the Court on Defendant's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (Dkt. No. 179). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the Government's motion to file overlength briefs (Dkt. 184), GRANTS the Government's motion to seal (Dkt. No. 186), and DENIES Defendant's motion for compassionate release (Dkt. No. 179) for the reasons explained herein.

**I. BACKGROUND**

In January 2015, Defendant pleaded guilty to one count of conspiracy to commit bank robbery and 10 counts of bank robbery. (*See* Dkt. No. 53 at 1, 63 at 1.) On May 5, 2015, the Court sentenced Defendant to 120 months of incarceration followed by three years of supervised release. (*See* Dkt. No. 82.) Defendant now moves *pro se* for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), arguing that he is particularly vulnerable to serious complications

1 from COVID-19 due to his obesity. (*See* Dkt. No. 179 at 4–6.)

## 2 **II. DISCUSSION**

### 3 **A. Motion for Compassionate Release**

4 18 U.S.C. § 3582(c)(1)(A) allows a court to reduce a term of imprisonment if  
 5 “extraordinary and compelling reasons warrant such a reduction” and “such a reduction is  
 6 consistent with applicable policy statements issued by the Sentencing Commission.” The  
 7 Sentencing Commission’s relevant policy statement, in turn, says that a court may reduce a term  
 8 of imprisonment if “the defendant is not a danger to the safety of any other person or to the  
 9 community” and “extraordinary and compelling reasons warrant such a reduction.” United States  
 10 Sentencing Guidelines (“U.S.S.G.”) § 1B1.13. The policy statement also directs a court to  
 11 consider the factors set forth in 18 U.S.C. § 3553(a) in deciding whether compassionate release is  
 12 appropriate. U.S.S.G. § 1B1.13 cmt. n.4. Taken together, the policy statement and 18 U.S.C.  
 13 § 3582(c)(1)(A) create a three-step process for ruling on a motion for compassionate release: the  
 14 court must first decide whether “extraordinary and compelling reasons warrant . . . a reduction  
 15 [in the defendant’s sentence],” then determine whether “the defendant is . . . a danger to the  
 16 safety of any other person or to the community,” and finally assess whether a reduction in the  
 17 defendant’s sentence is consistent with the factors set forth in 18 U.S.C. § 3553(a). *See* 18 U.S.C.  
 18 § 3582(c)(1)(A); U.S.S.G. § 1B1.13.

#### 19 *1. Extraordinary and Compelling Reasons for Release*

20 A court may reduce a defendant’s sentence if it finds that extraordinary and compelling  
 21 reasons exist, such as the defendant “suffering from a serious physical or medical condition . . .  
 22 that substantially diminishes the ability of the defendant to provide self-care within the  
 23 environment of a correctional facility and from which he or she is not expected to recover.” 18  
 24 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13 (2019); U.S.S.G. § 1B1.13 cmt. n.1; *see* U.S. Dep’t  
 25 of Justice, Fed. Bureau of Prisons, Compassionate Release/Reduction in Sentence: Procedures  
 26

1 for Implementation of 18 U.S.C. §§ 3582 and 4205(g) (Jan. 17, 2019).<sup>1</sup>

2 Here, Defendant argues that compassionate release is warranted because he is obese and  
 3 is therefore particularly susceptible to serious complications if he contracts COVID-19. (*See* Dkt.  
 4 No. 179 at 4–6.)<sup>2</sup> In its response to Defendant’s motion, the Government “now takes the position  
 5 that [Defendant’s obesity] satisfies the ‘extraordinary and compelling’ reason as it will diminish  
 6 the Adams’ [sic] ability for self-care within the institution because of COVID-19.” (Dkt. No. 185  
 7 at 16.) Assuming without deciding that obesity may constitute extraordinary and compelling  
 8 circumstances within the meaning of U.S.S.G. § 1B1.13 cmt. n.1, the Court finds that Defendant  
 9 has identified extraordinary and compelling circumstances that justify a reduction in his sentence  
 10 pursuant to 18 U.S.C. § 3582(c)(1)(A).

11 *2. Danger to the Safety of Any Other Person or to the Community*

12 In determining whether a defendant presents a danger to the safety of any other person or  
 13 to the community, the court looks to the nature and circumstances of the defendant’s underlying  
 14 offense, the weight of evidence against him, his history and characteristics, and the nature and  
 15 seriousness of the danger his release would pose to any person or the community. *See* U.S.S.G.  
 16 § 1B1.13(2); 18 U.S.C. § 3142(g).

17 Defendant’s underlying criminal conduct was serious. Defendant engaged in a series of  
 18 bank robberies in a short period of time to support his substance abuse habit. (*See* Dkt. Nos. 79 at  
 19 1–12, 80 at 4–5.) Notably, several the robberies were performed by juveniles at the behest of  
 20 Defendant and his co-Defendants. (*See* Dkt. Nos. 79 at 4–8, 80 at 5.) Two of the juveniles  
 21 described Defendant’s role in directing the robberies. (*See* Dkt. No. 79 at 9–10.) Moreover,  
 22

---

23 <sup>1</sup> Defendant’s motion does not implicate the other grounds on which a court may find  
 24 extraordinary and compelling circumstances under U.S.S.G. § 1B1.13. *See* U.S.S.G. § 1B1.13  
 cmt. n.1; (*see generally* Dkt. No. 179).

25 <sup>2</sup> Defendant previously stated that he suffers from diabetes in a request for compassionate  
 26 release filed with the warden of his facility, (*see* Dkt. No. 179 at 11), but that assertion is not  
 supported by Defendant’s medical records, (*see generally* Dkt. Nos. 187-1–187-3).

1 Defendant's criminal history is substantial and includes convictions for burglary and drug-related  
2 offenses. (*See id.* at 15–16; Dkt. No. 70 at 14–21.) Finally, while Defendant argues that he has  
3 educated himself and addressed his substance abuse issues while incarcerated, (*see* Dkt. No. 179  
4 at 4), his substantial list of infractions while incarcerated includes assault and possession of  
5 drugs or alcohol, (*see generally* Dkt. No. 185-3). Thus, the volume of Defendant's bank  
6 robberies in a condensed span of time, Defendant's willingness to make juveniles engage in  
7 serious criminal conduct to support his substance abuse habit, Defendant's expansive criminal  
8 history, and Defendant's conduct while incarcerated indicate that Defendant would pose a danger  
9 to the safety of the community if released. *See* U.S.S.G. § 1B1.13(2); 18 U.S.C. § 3142(g).

10 *3. 18 U.S.C. § 3553(a) Factors*

11 In determining whether to grant a defendant compassionate release under 18 U.S.C.  
12 § 3582(c)(1)(A), the court must also consider any relevant factors set forth in 18 U.S.C.  
13 § 3553(a). *See* U.S.S.G. § 1B1.13. These factors include the nature and circumstances of the  
14 underlying offense, the need for the sentence imposed, the kinds of sentences available, the  
15 applicable sentencing range, pertinent policy statements, avoidance of sentencing disparities, and  
16 the need to provide victims with restitution. *See* 18 U.S.C. § 3553(a).

17 As discussed above, Defendant's underlying criminal conduct was serious and  
18 demonstrated his disregard for the well-being of both his victims and the juveniles he used.  
19 Therefore, the substantial sentence imposed by the Court was necessary to adequately address  
20 the nature of Defendant's underlying conduct. Thus, the Court finds that the factors set forth in  
21 18 U.S.C. § 3553(a) weigh against granting Defendant's request for compassionate release. *See*  
22 U.S.S.G. § 1B1.13.

23 **B. Motion to Seal**

24 The Government moves to maintain under seal several exhibits to its response to  
25 Defendant's motion for compassionate release, arguing that they contain personal information  
26 that should not be made available to the public. (*See* Dkt. No. 186 at 1.) The Court starts from

1 the position that “[t]here is a strong presumption of public access to [its] files.” W.D. Wash.  
2 Local Civ. R. 5(g)(3); *see also Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978).  
3 However, a particularized showing of good cause will suffice to warrant sealing discovery  
4 documents attached to non-dispositive motions. *Kamakana v. City and Cnty. of Honolulu*, 447  
5 F.3d 1172, 1180 (9th Cir. 2006). Here, the exhibits at issue concern Defendant’s health records.  
6 Defendant’s strong interest in maintaining the confidentiality of such records outweighs the  
7 public’s interest in their disclosure. Accordingly, the Court finds good cause and GRANTS the  
8 Government’s motion.

### 9 **III. CONCLUSION**

10 For the foregoing reasons, Defendant’s motion for compassionate release (Dkt. No. 179)  
11 is DENIED. The Government’s motion for leave to file overlength briefs (Dkt. No. 184) and  
12 motion to seal (Dkt. No. 186) are GRANTED. The Clerk is DIRECTED to maintain Docket  
13 Numbers 187, 187-1, 187-2, and 187-3 under seal until further order of the Court.

14 DATED this 22nd day of July 2020.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE